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## United States Department of the Interior

SEP 21 1995

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**BUREAU OF LAND MANAGEMENT** 

Moab District 82 East Dogwood, Suite M Moab, Utah 84532

> 3809 (UTU-69862) (UT-067)

CERTIFIED MAIL--Return Receipt Requested Certification No. P 118 951 475

SEP 1 9 1995

NOTICE OF DECISION

Mr. Neal Mortensen Western Clay Company 508 East Center Aurora, Utah 84620

Your plan of operations concerning the enlargement of the Last Chance Mine to 10.2 acres is approved subject to the following terms and conditions which are necessary to prevent undue and unnecessary degradation of public lands and to ensure successful reclamation.

- 1. If any cultural or paleontological resources are discovered during the course of operations, work shall cease at the site and the San Rafael Resource Area Office shall be notified. Personnel shall be warned that they will be subject to prosecution for picking up artifacts.
- 2. The boundary of the proposed disturbed area shall be marked and the markers shall be maintained for the life of the mine. Upon final reclamation all markers shall be removed.
- 3. Any disturbance in excess of 10.2 acres or outside the authorized area shall require a plan amendment prior to the disturbance. A change in the plan of operations within the authorized area will also require a plan amendment.
- 4. Western Clay Company shall comply with all Federal, state, and local regulations and requirements.
- 5. If the site is inactive for two consecutive years and no use is scheduled, reclamation procedures shall be initiated.
- 6. If the authorized officer deems it necessary, reseeded areas shall be fenced to exclude livestock.
- 7. The authorized officer shall be notified at least five working days before any proposed disturbance of areas containing <u>Pediocactus winkleri</u>. The cacti shall be removed by our Price office and Western Clay Company shall be notified before mining of the area can proceed.

A reclamation bond shall be required. The proposed bond in the amount of \$40,800.00 is acceptable. Since a letter of credit for that amount has been accepted by Utah Division of Oil, Gas and Mining with both the Utah Division of Oil, Gas and Mining and the Bureau of Land Management being named as beneficiaries, nothing further needs to be done regarding the reclamation bond.

Approval of this plan amendment will not now nor in the future serve as a determination of the ownership or the validity of any mining claim to which it may relate. You shall comply with all state and local government rules and regulations.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing within 30 days from the date of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted.

/S/ WILLIAM C. STRINGER District Manager

cc: Bryant Anderson

Acting

**Emery County Planning and Zoning** 

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Kiran Bhayani

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